REMARKS

Claims 1-21 are pending in the present application. Claim 19 is canceled; claims 1, 11, 13-18, and 20-21 are amended. Reconsideration of the claims is respectfully requested.

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

I.   35 U.S.C. § 102, Anticipation, Claims 1-21

The examiner has rejected claims 1-21 under 35 U.S.C. § 102 as being anticipated by *Tomita et al.* (U.S. Patent No. 6,457,429). This rejection is respectfully traversed.

With regard to claims 1-21, the examiner states:

> Tomita discloses a method for updating stitch data in a storage device using a wireless connection comprising: receiving a command to update the stitch data in the storage device; determining if the storage device is currently in use; logically disconnecting the storage device from a stitching device; transferring new stitch data from a source system to the storage device via a wireless connection; updating the stitch data in the storage device with the new stitch data; reconnecting the storage device to the stitching device (col. 9, lines 58-67 and col. 10, lines 1-8).

Office Action dated May 7, 2004, page 3. Independent claim 1, which is representative of claim 11, reads as follows:

> 1.   A method for updating stitch data in a storage device using a wireless connection, comprising:
> receiving a command to update the stitch data in the storage device;
> determining if the storage device is currently in use;
> logically disconnecting the storage device from a stitching device;
> transferring new stitch data from a source system to the storage device via a wireless connection;
> updating the stitch data in the storage device with the new stitch data; and
> reconnecting the storage device to the stitching device.

A prior art reference anticipates the claimed invention under 35 U.S.C. §102 only if every element of a claimed invention is identically shown in that single reference,

arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566,
1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when
determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034
(Fed. Cir. 1994).

The examiner states that all of the elements of claim 1 are found in the following
section of *Tomita*:

> The invention further includes as an aspect, the programs described
> above that can be executed by the controller of the sewing machine, or by
> an attached computer, to control the sewing machine as described above.
> The control program can be implemented in an application specific
> integrated circuit (ASIC). Alternatively, the control program and/or the
> stitch data can be transmitted by a carrier wave over a communications
> network, such as, for example, the World Wide Web, and/or transmitted in
> a wireless fashion, for example, by radio waves or by infrared waves. The
> control program can also be transmitted by a carrier wave from a remote
> storage facility to a local control unit, either in the sewing machine or
> attached thereto. In such an arrangement, the local control unit interacts
> with the remote storage facility to transfer all or part of the program or
> data, as needed, for execution by the local unit. Accordingly, the local unit
> does not require a large amount of memory capacity.

Tomita, col. 9, line 58 to col. 10, line 10. Applicant respectfully disagrees. Despite the
Examiner's assertion, the *Tomita* reference does not teach the method for updating stitch
data as recited in claim 1. The passage in *Tomita* above merely teaches that stitch data
"may be transmitted by a carrier wave over a communications network, such as, for
example, the World Wide Web, and/or transmitted in a wireless fashion, for example, by
radio waves or by infrared waves". Although a wireless transmission of stitch data is
mentioned in Tomita, the examiner provides no other cited sections of *Tomita* that teach
how the stitch data is transmitted in a wireless fashion, nor does the examiner cite a
section of *Tomita* as to the location the stitch data is transmitted when the stitch data is
transmitted in a wireless fashion. In fact, there is no mention in *Tomita* of how the stitch
data is transmitted in a wireless fashion; just that such functionality is included.

The relevant question in a proper anticipation analysis is whether the prior art
teaches all of the limitations of the claim in question. A claim has been anticipated if the
earlier invention completely embodies each and every element of the claimed invention.
Such is not the case here. Claim 1 recites the elements of receiving a command to update

the stitch data in the storage device; determining if the storage device is currently in use; logically disconnecting the storage device from a stitching device; transferring new stitch data from a source system to the storage device via a wireless connection; updating the stitch data in the storage device with the new stitch data; and then reconnecting the storage device to the stitching device. None of these elements are found in the cited section of *Tomita*. Thus, although it appears that the examiner has cited the *Tomita* reference because it mentions transmitting stitch data in a wireless fashion, there is no teaching in *Tomita* that addresses the elements of the method for updating stitch data in claim 1 of the present invention. Since the reference does not teach all of the limitations in claim 1, the rejection under §102 fails.

Therefore, applicants respectfully submit that the *Tomita* reference does not teach all elements of rejected independent claims 1 and 11 as is required under 35 U.S.C. § 102. Accordingly, applicants respectfully submit that claims 1 and 11 are patentable over the *Tomita* reference and request that the rejection be withdrawn.

Since claims 2-10 and 12-21 depend from independent claims 1 and 11 respectively, the same distinctions between *Tomita* and the invention in claims 1 and 11 also apply to these claims, as least by virtue of their dependency from an independent claim. Furthermore, these dependent claims contain additional features that are not taught by the *Tomita* reference. For instance, claims 6-10 and 16-18 and 20-21 are examples of dependent claims that contain features not taught or suggested by the *Tomita* reference. Claims 6 and 16 recite having the command to update the stitch data in the storage device generated by a source system, and claims 7 and 17 recite having the command to update the stitch data in the storage device generated by a stitching device. Claims 8 and 18 recite determining if the storage device is currently in use by detecting data signals generated from a flash memory within the storage device. Claims 9 and 20 recite updating the stitch data in the storage device with the new stitch data includes erasing the contents of the storage device and storing the new stitch data in the storage device. Claims 10 and 21 recite having the wireless connection be a line of sight or broadcast transmission. Although the examiner asserts that all of the elements of claims 1-10 are found in the *Tomita* passage shown above (col. 9, line 58 to col. 10, line 10), as

can be clearly seen, none of these features specified in claims 6-10, 16-18 and 20-21 are actually taught by the *Tomita* reference.

For the foregoing reasons, applicants submit that claims 1-10 are patentable over the *Tomita* reference. Accordingly, applicants respectfully request that claims 1-10 be allowed.

Therefore, the rejection of claims 1-18 and 20-21 under 35 U.S.C. § 102 has been overcome.
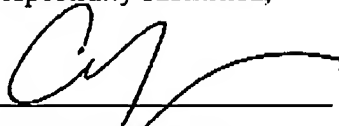
II. <u>Conclusion</u>

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: _8/9/04_

Respectfully submitted,

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